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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/628,907 | 07/29/2003 | John F. Schaupp | 12545 | 8115 |

7590

07/26/2005

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EXAMINER

GANEY, STEVEN J

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/628,907 | Applicant(s) SCHAUPP, JOHN F. | |
| | Examiner Steven J. Ganey | Art Unit 3752 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/29/03, 8/18/03, 9/13/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 15-20 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansinger et al.

Hansinger et al discloses an apparatus for dispensing electrically charged particles of a coating material comprising all the featured elements of the instant invention, note specifically first electrode 294 and plurality of second electrodes 286a/286b/286c. See Figures 8-10.

3. Claims 1, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Austin et al.

Austin et al discloses an apparatus for dispensing electrically charged particles of a coating material comprising all the featured elements of the instant invention, note specifically first electrode 32/132 and at least one second electrode at 38/138. See Figures 2 and 3.

4. Claims 1 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Buschor.

Buschor discloses an apparatus for dispensing electrically charged particles of a coating material comprising all the featured elements of the instant invention, note specifically first electrode 136 and at least one second electrode at 82. See Figures 2 and 3.

5. Claims 1, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chabert.

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Chabert discloses an apparatus for dispensing electrically charged particles of a coating material comprising all the featured elements of the instant invention, note specifically first electrode 58 and at least one second electrode at 45. See Figure 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buschor in view of Applicant's admission of prior art.

Buschor discloses all the featured elements of the instant invention except for the source of coating material being provided by a fluidized bed. Note in the specification on page 5, lines 32-33, where applicant discloses that the source may be of any known fluidized bed type and cites U.S. Patent 5,768,800. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a fluidized bed as the source of coating material since applicant discloses that such fluidized beds are well known to be used as sources of coating material and the apparatus of Buschor would be capable of being supplied by a fluidized bed.

8. Claims 2-4 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chabert in view of Applicant's Admission of Prior Art.

Chabert discloses all the featured elements of the instant invention except for the source of coating material being provided by a fluidized bed. Note in the specification on page 5, lines

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32-33, where applicant discloses that the source may be of any known fluidized bed type and cites U.S. Patent 5,768,800. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a fluidized bed as the source of coating material since applicant discloses that such fluidized beds are well known to be used as sources of coating material and the apparatus of Buschor would be capable of being supplied by a fluidized bed.

As to claims 3, 4, 22 and 23, note cup-shaped component 56 and diffuser component 58 and col. 3, lines 30-34 concerning the first electrode provided on the diffuser component.

9. Claims 5-18 and 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chabert in view of Applicant's Admission of Prior Art as applied to claims 2-4 and 21-23 above, and further in view of Schaupp et al.

Chabert, as modified by Applicant's Admission of Prior Art, discloses all the featured elements of the instant invention except for a diffuser component having a first and second side with the first electrode on the second side facing away from the cup-shaped component and a multiple second electrodes comprising needle-like electrodes. Schaupp et al shows a rotary powder sprayer comprising a cup-shaped component 30 and a diffuser component 34 with an electrode 55 provided on a second side 57. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the diffuser component of Chabert with the diffuser component and electrode 55 of Schaupp et al, since such a modification would work equally as well in the apparatus of Chabert and is merely the substitution of one diffuser component/electrode for another.

As to the multiple needle-like electrodes, note that the second electrode 45 of Chabert is annularly around the axis of rotation of the dispenser. As to the needle-like electrodes, such

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electrodes are well known in the electrostatic spraying art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute multiple needle-like electrodes for the annular electrode of Chabert, since such a modification is merely the substitution of one electrode means for another and the apparatus of Chabert would perform equally as well with multiple needle-like electrodes or an annular electrode as disclosed as long as the electrode means is provided annularly around the axis of rotation of the dispenser.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kazama et al shows an electrostatic spraying device having first and second electrodes.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is (571) 272-4899. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (571) 272-4919. The fax phone number for this Group is (571) 273-8300.


STEVEN J. GANEY
PRIMARY EXAMINER
7/22/05

sjg

7/22/05